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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,739	11/12/2003	Tyson Winarski	108/118	7546
29455	7590	04/11/2005	EXAMINER	
TYSON Y. WINARSKI 428 EAST SUSAN LANE TEMPE, AZ 85281			KATCHEVES, BASIL S	
		ART UNIT		PAPER NUMBER
				3635

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,739	WINARSKI, TYSON	
	Examiner Basil Katcheves	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pane comprised of solar cells and beam splitters, as claimed in claims 8 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Claims 3 and 6 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,228,925 to Nath et al. as in the previous office action for disclosing an electricity generating window.

In addition, Nath discloses the solar cell as being rectangular in shape (14), therefore a portion thereof is substantially perpendicular to the panes.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 5, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,925 to Nath et al. in view of U.S. Patent No. 6,337,038 to Lee et al as in the previous office action for disclosing an electricity generating window. In addition, Nath discloses the solar cell as being rectangular in shape (14), therefore a portion thereof is substantially perpendicular to the panes.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,925 to Nath et al. in view of applicants disclosure of Nikon diachronic coatings on page 13 of the specification, as in the previous office action for disclosing an electricity generating window. In addition, Nath discloses the solar cell as being rectangular in shape (14), therefore a portion thereof is substantially perpendicular to the panes.

Regarding claims 8 and 9, Nath discloses a double pane window assembly (fig. 2) which generates electricity comprising a first (fig. 2: 18) and second (fig. 2: 12) pane, and a plurality of solar cells (fig. 2: 14) between panes. However, Nath does not disclose the use of a light beam splitter which allows light to pass onto the solar cells and through the window. Lee discloses the use of a diachronic window (abstract) which splits light (column 1, lines 53-58) for varying the degree of light transmissions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nath by using a dichronic pane, as disclosed by Lee, in order to shade

the occupants of the vehicle under extreme sun light. Also, when allowing light to pass, the dichronic pane would thereby pass light onto the solar cell (fig. 3: where 14 points) and also allow light to pass through the window (fig. 3: where 18 points) onto the occupant. Also, the dichronic window of Nath in view of Lee extends from one solar cell to the next (fig. 3: 12 & 18).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

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(571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK/SK

4/5/05


Naoko Slack
Primary Examiner